

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 29, 2009

AMENDED IN ASSEMBLY APRIL 16, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1390

Introduced by Assembly Member Blumenfield

February 27, 2009

An act to amend Section 48902 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1390, as amended, Blumenfield. School safety: school security and police departments.

(1) Existing law authorizes the governing board of a school district to establish a security department under the supervision of a chief of security or a police department under the supervision of a chief of police, as designated by, and under the direction of, the superintendent of the school district. Existing law requires the principal of a school, or a principal's designee, prior to the suspension or expulsion of any pupil, to notify the appropriate law enforcement agencies of the county or city of which the school is situated, of certain criminal acts of the pupil. Existing law requires the principal, or a principal's designee, within one schoolday after suspension or expulsion of any pupil, to notify the appropriate law enforcement authority of the county or the school district in which the school is situated of any acts of the pupils that may violate specified alcohol, intoxicant, or controlled substance related crimes.

This bill would require an authorized school security department or school police department to ~~make a written report, within 24 hours of any act by a pupil or nonpupil taking place on a schoolsite, to~~ notify the appropriate county or city law enforcement agency having jurisdiction ~~over the area in which the incident occurred, involving specified acts relating to firearms~~ authorities, as specified, in electronic format within 24 hours of any act involving either the possession, sale, or furnishment of a firearm, as specified, or the possession of an explosive, as specified, committed by a pupil or nonpupil on a schoolsite.

By requiring school security and police departments and local law enforcement agencies to perform additional duties, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48902 of the Education Code is amended
2 to read:
3 48902. (a) The principal of a school or the principal's designee
4 shall, prior to the suspension or expulsion of any pupil, notify the
5 appropriate law enforcement authorities of the county or city in
6 which the school is situated, of any acts of the pupil that may
7 violate Section 245 of the Penal Code.
8 (b) The principal of a school or the principal's designee shall,
9 within one schoolday after suspension or expulsion of any pupil,
10 notify, by telephone or any other appropriate method chosen by
11 the school, the appropriate law enforcement authorities of the
12 county or the school district in which the school is situated of any
13 acts of the pupils that may violate subdivision (c) or (d) of Section
14 48900.
15 (c) Notwithstanding subdivision (b), the principal of a school
16 or the principal's designee shall notify the appropriate law

1 enforcement authorities of the county or city in which the school
2 is located of any acts of a ~~student~~ *pupil* that may involve the
3 possession or sale of narcotics or of a controlled substance or a
4 violation of Section 626.9 or 626.10 of the Penal Code.

5 (d) A school security department, or school police department,
6 which is authorized pursuant to Section 38000, shall notify, within
7 24 hours, ~~in writing~~ *electronic format*, the appropriate county or
8 city law enforcement authorities having jurisdiction where the
9 incident occurred, of any act ~~by a pupil or nonpupil specified in~~
10 ~~paragraphs (1) and (5) specified in paragraph (1) or (5) of~~
11 ~~subdivision (c) of Section 48915, taking place committed by a~~
12 ~~pupil or nonpupil~~ on a schoolsite.

13 (e) A principal, the principal's designee, or any other person
14 reporting a known or suspected act described in subdivision (a) or
15 (b) is not civilly or criminally liable as a result of making any
16 report authorized by this article unless it can be proven that a false
17 report was made and that the person knew the report was false or
18 the report was made with reckless disregard for the truth or falsity
19 of the report.

20 (f) The willful failure to make any report required by this section
21 is an infraction punishable by a fine to be paid by the principal or
22 principal's designee who is responsible for the failure of not more
23 than five hundred dollars (\$500).

24 (g) The principal of a school or the principal's designee reporting
25 a criminal act committed by a schoolage individual with
26 exceptional needs, as defined in Section 56026, shall ensure that
27 copies of the special education and disciplinary records of the pupil
28 are transmitted, as described in paragraph (9) of subsection (k) of
29 Section 1415 of Title 20 of the United States Code, for
30 consideration by the appropriate authorities to whom he or she
31 reports the criminal act. Any copies of the pupil's special education
32 and disciplinary records may be transmitted only to the extent
33 permissible under the federal Family Educational Rights and
34 Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.).

35 SEC. 2. If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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